

Appln. No. 09/863,879

REMARKS

Claims 1-3 are pending in the present application. Claims 1-3 have been amended to correct typographic errors and/or to further clarify the subject matter recited therein. No new matter is added. In view of the amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

The Examiner objects to the title of the invention as not descriptive and states that the abstract should not exceed 15 lines. The Examiner repeats verbatim the objection to the title and abstract presented in the previous office action, despite Applicants attempt to provide a more descriptive title. Applicant therefore requests the Examiner to suggest a title, or alternatively to withdraw the objection. Regarding the objection to the Abstract, Applicant directs the Examiner's attention to the Abstract as amended in the Amendment of March 11, 2005, and notes that the Abstract is approximately 140 words and only 11 lines. Therefore, the objection to the Abstract is improper and should be withdrawn.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,974,210 to Goldhaber (hereinafter referred to as Goldhaber). Applicants respectfully traverse.

The Examiner now admits that Goldhaber does not disclose the feature of an operative storage apparatus other than the selected storage apparatus being used to supply the advertising information when the selected storage apparatus is inoperative. The Examiner takes Official Notice of the use of backup or mirror servers used to provide service when regular servers are down. The Examiner suggests that the motivation to combine Goldhaber and the backup server of the Official Notice is to provide greater fault tolerance and to reduce downtime. However, this motivation appears to be improper hindsight reasoning, as it does not arise from Goldhaber or the

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Official Notice and is not specific to advertising. This type of reasoning would therefore support adding a backup system to any system. Applicants submit that there is no motivation to combine the references, and that therefore the rejection should be withdrawn.

However, in the interest of expediting prosecution, Applicants herein amend the independent claims to further distinguish over the cited reference. In particular, the claims have been amended to distinguish the present invention from the cited references by reciting that there are two types of advertisement information stored by the storage apparatuses in the present invention. For instance, claim 1 has been amended to recite at least one first storage apparatus storing the advertisement information and points to be applied to the advertisement viewer for viewing the advertisement information, and at least one second storage apparatus storing the advertisement information without the points. Similar amendments have been made to claims 2 and 3. In the amended claims, one storage apparatus stores advertisement information including displaying point information, while another storage apparatus stores advertisement information which not including display points.

In the present invention, if the banner advertisement without points is intended for display, then in situations when storage apparatus storing banner advertisement without points fails to operate, it is preferable for the sponsor to display banner advertisement attached with points rather than not displaying the banner advertisement at all. In the same vein, it is the beneficial to the sponsor of the advertisement to display banner advertisement without points when the storage apparatus storing banner advertisement attached with points fails to operate rather than not displaying the banner advertisement at all. Since, as admitted by the Examiner, Goldhaber does not disclose the feature of an operative storage apparatus other than the selected storage apparatus being used to supply the advertising information when the selected storage

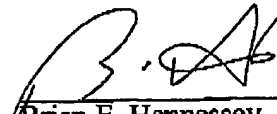
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apparatus is inoperative, it is therefore respectfully submitted that the references do not render obvious the features of amended claims 1-3. Therefore, for at least this reason the claims are allowable.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290..

Respectfully submitted,



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